

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRANCISCO MENDOZA-GOMEZ,

Petitioner,

v.

SCOTT SPEER,

Respondent.

Case No. C25-200-TMC-MLP

REPORT AND RECOMMENDATION

Petitioner Francisco Mendoza-Gomez is a state prisoner who is currently confined at the Stafford Creek Corrections Center (“SCCC”) in Aberdeen, Washington. On January 31, 2025, Petitioner submitted to the Court for filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 and an application to proceed with this action *in forma pauperis* (“IFP”). (See dkt. ## 1, 1-1.) Upon review of Petitioner’s IFP application, this Court determined that Petitioner appeared to have sufficient funds in his prison trust account to pay the \$5.00 filing fee for this action. Thus, on February 10, 2025, this Court issued an Order directing Petitioner to show cause why his IFP application should not be denied. (Dkt. # 4.)

The Court noted in its Order to Show Cause that the copy of Petitioner’s prison trust account statement submitted with his IFP application showed he had an average spendable

1 balance of \$3,571.09 (Dkt. # 4 at 1 (citing dkt. # 1 at 3).) The Court explained that because it
2 appeared Petitioner had sufficient funds to pay the \$5.00 filing fee, he would be required to
3 either pay the fee or explain why he could not. (*Id.* at 3.) The Court established a deadline of
4 March 12, 2025, for Petitioner to respond to the Order to Show Cause and advised him that his
5 failure to either show cause or pay the \$5.00 filing fee by that date would be deemed a failure to
6 properly prosecute this matter and would result in a recommendation that this action be
7 dismissed. (*Id.*)

8 To date, Petitioner has not responded in any fashion to the Court's Order to Show Cause.
9 On February 14, 2025, the Court received from Petitioner a "Motion Requesting Judicial Notice"
10 (dkt. #5) and a "Motion to Order to Show Cause" (dkt. # 6), neither of which addresses the filing
11 fee issue in any way. On February 26, 2025, the Court received from Petitioner a request for a
12 copy of the docket sheet, which the Clerk's Office provided on February 28, 2025. (*See* dkt.
13 ## 7-8.) Again, however, nothing in Petitioner's request referenced the filing fee issue though the
14 information contained on the docket would have placed Petitioner on notice again that a response
15 to the Court's Order was due by March 12, 2025. The Court has received nothing further from
16 Petitioner in this action.

17 Petitioner's failure to respond to the Court's Order to Show Cause suggests he has elected
18 not to pursue this action further. Accordingly, this Court recommends that the instant action be
19 dismissed for failure to prosecute and that Petitioner's application to proceed IFP be stricken as
20 moot. A proposed Order accompanies this Report and Recommendation.

21 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
22 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this
23 Report and Recommendation is signed. Failure to file objections within the specified time may

1 affect your right to appeal. Objections should be noted for consideration on the District Judge's
2 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may
3 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be
4 ready for consideration by the District Judge on **April 16, 2025**.

5 DATED this 26th day of March, 2025.

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8 MICHELLE L. PETERSON
9 United States Magistrate Judge
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